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UNCLAS SECTION 01 OF 04 TAIPEI 000705

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SUBJECT: Southern Taiwan Confirmed Epidemic -- Vote-buying
in "3 in 1 Elections"

Ref: A. TAIPEI 4235 B. TAIPEI 4355 C. Taipei 4559

¶D. TAIPEI 0656

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¶1. (SBU) Summary. At the conclusion of the 3-in-1 elections on December 3, 2005, prosecutors in southern Taiwan found themselves overwhelmed with clean-up of vote-buying complaints. Blossoming creative methods and variations on the practice of vote-buying do little to help practitioners avoid the reach of the law. Indictments against victorious candidates have brought into question the legitimacy of winning ballots as well as the future of current elected officials in office. End summary.

Over Half of Newly Elected Officials Indicted

¶2. (SBU) At the conclusion of the 3-in-1 elections on December 3, 2005, prosecutors in southern Taiwan found themselves buried in the aftermath of thousands of vote-buying complaints (reflets A and C). On December 5, the Ministry of Justice ordered local prosecutors' offices take immediate prosecutorial action against any candidates winning election while under indictment for or suspicion of vote-buying. According to election law, prosecutors must act to invalidate the status of newly elected officials within fifteen days after the names of the newly elected are officially announced. A China Times press report on December 6 provided data on the newly elected officials who are either under indictment or detention. According to the statistics, 54 of the 108 candidates that have been indicted or detained for vote-buying won their races. With over half vote-buying suspects now elected to office, frustrated prosecutors have vowed to bring them to justice.

¶3. (SBU) The same press report indicated that in Tainan County, five of the six indictees and three of the four detainees won the election. In Tainan City, three of the six indictees were elected. In Chiayi City, all of the six indictees won the election. In Kaohsiung County, the only one indictee, who is also the incumbent deputy speaker, was reelected. Chief Prosecutor-General Wu Ying-chao pointed out that Taiwan's voters are too sentimental to resist soft and heart-touching campaign strategies used by those

candidates who label themselves as victims of political and prosecutorial persecution. Wu noted that the prosecution authorities should put more emphasis in correcting this pattern of voting.

Method Cannot Hide Intent

¶4. (SBU) According to prosecutors, traditional vote-buying methods (e.g., hosting meals and giving gifts) still could guarantee a certain number of votes for a candidate in this 3-in-one election. In Tainan County, prosecutors are investigating vote-buying complaints against Tainan County's DPP Chapter, which was alleged to have hosted barbeques for one thousand local residents at Hutoipi Reservoir Park in an attempt to rally support for incumbent DPP Magistrate Su Huan-chi's reelection bid. Prosecutors also started investigating all campaign-related activities organized by Tainan County DPP Chapter during the election, which included eight large barbecue parties. Tainan County Magistrate Su and other DPP candidates attending the barbecue party were deposed as witnesses by prosecutors before the election.

¶5. (SBU) Another scheme of vote-buying used in this 3-in-1 election involves moving a voter's domicile to a remote constituency six months before the election to ensure the voter's eligibility to cast a ballot for a certain candidate. This vote-buying form has been construed as vote-rigging. Prosecutors believe this vote-rigging definitely influences election outcomes. In Kaohsiung County, through monitoring the new household registration cases over the last six months, prosecutors discovered one abnormal case involving one hundred people moving to one single domicile

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at the same time. Taitung County Council Deputy Speaker Lin Hui-chiu and her secretary have been held incommunicado since December 4 for vote-rigging. Lin was alleged to have instructed her secretary to arrange to start moving voters' domiciles in May 2005. Lin was also alleged to have bought votes at a price between NT\$1,000 and NT\$2,000 each.

¶6. (SBU) Vote-buying schemes in this election also included payoffs for bets on particular candidates by working in conjunction with local bookmakers to subsidize payouts to voters who bet on a party's candidate in the event the candidate wins the election. Many of these bookmakers are linked with other illegal gambling operations. A press report in the China Times on November 30 indicated that local bookies were taking bets on election outcomes throughout the island. In Chiayi City, the odds were reported at 1 to 2 for bets that any KMT candidate wins by at least 2,500 votes. In Tainan County, the odds were 1 to 2 for bets that any DPP candidate wins by 50,000 votes. In Tainan City, the odds were 1 to 2 for bets that a DPP candidate wins by 20,000 votes.

Keeping a Close Watch on "Walking Money" and Tell-tale Bank Activity

¶7. (SBU) In order to provide candidates with "plausible deniability" most vote-buying schemes were performed by supportive local campaign chiefs carrying "walking money" (up to NT\$500,000) to distribute in any way the chief deemed most effective. This may include direct cash payments, hosting dinners, and giving presents. The most controversial case involving "walking money" in this 3-in-1 election occurred to DPP Taipei County magisterial candidate Lo Wen-chia. On November 30, KMT candidate Chou Hsi-wei publicized a videotape taken by the camera on the bus that transported DPP supporters to Lo's election rally at the riverside park in mid-November. The videotape showed that a campaign aide distributed "walking money" to each supporter on the bus. These allegations of "walking money" are

interpreted widely as a key factor in Lo's loss. Some Southern political commentators sarcastically noted that the DPP needs more practices to compete with the KMT, which has long history and extensive experience in using the "walking money" strategy in previous elections.

¶8. (SBU) Aside from meals and gifts, direct cash payments to more rural, less educated voters usually occur during the final five day campaign push. Prosecutors indicted more than a dozen persons for this form of vote-buying in southern Taiwan, where votes were bought for amounts ranging from NT\$500 to NT\$2,000 each. For instance, a local resident told AIT/K that in the aboriginal township mayoral election in Sandimen Township, Pingtung County, the candidate who paid NT\$2,000 per vote beat the other candidate that paid NT\$1,000 each. In Penghu County, prosecutors reportedly indicted three vote-buying suspects and requested jail terms of one year and six months for the vote-buyer and eight months for the two vote-sellers who sold their votes for NT\$500 each. In Taitung County, prosecutors discovered NT\$800,000 cash from the KMT's Taitung Chapter and alleged that the Chapter had bought votes for independent magisterial candidate Wu Chun-li through KMT campaign wardens at a price of NT\$1,000 each. Wu was interviewed and released on NT\$1 million bail whereas the chapter chairman was dismissed by KMT Chairman Ma Ying-jeou for alleged vote-buying during the election. The temporary chapter chairman assured AIT/K that, although there is evidence of this unfortunate activity, it was a complete anomaly.

¶9. (SBU) In addition to raiding candidates' campaign offices for vote-buying evidence, which includes cash, voter's name lists and gifts, prosecutors also watch closely for any abnormal transactions between candidates' bank accounts and those of campaign wardens. As each vote-buying scheme would cost candidates a fortune, the elections in Taiwan are often seen by some academics and political observers as a means of wealth redistribution among major

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players (the wealthy candidates and the poor voters) in the election.

Prosecutors Work against Overwhelming Odds

¶10. (SBU) Academics, politicians, party operatives and people in general do not believe the vast majority of investigations or indictments for vote buying will lead to jail time. Documentary evidence is hard to come by in most cases. However, some high profile cases have emerged that offer hope prosecutors can bring convictions. Pingtung prosecutors indicted independent Legislator Tsai Hao and his wife Soong Li-hua (reftel B) for vote-buying and requested jail terms of six years and three years for Tsai and Soong respectively. The 73-page indictment charged that Tsai and Soong committed vote-buying by offering raffle prizes, ranging from refrigerators, washing machines, TV sets and bicycles, for the parties organized by their campaign wardens in an attempt to rally support for Soong's election bid for Pingtung Magistrate. The Ministry of Justice Investigation Bureau (MJIB) agent, alleged to have accepted a bribe and leaked information to Tsai Hao prior to a prosecutorial search of Soong's campaign offices, was also indicted and prosecutors are seeking a jail term of ten years and six months.

¶11. (SBU) As of March 2, 2006, in southern Taiwan the running tally of formal investigations and judicial indictments emerging from the 3-in-1 elections stands as follows:

-- Pingtung prosecutors are continuing their formal investigation into 103 vote-buying complaints. Indictments have been brought in 39 cases against 108 persons, which

include four elected County council members and one township mayor. Pingtung prosecutors have formally filed with the courts a motion to invalidate the elections of the five elected indictees.

-- Kaohsiung prosecutors are conducting formal investigations into 91 vote-buying complaints involving 292 persons. Indictments have been brought in 37 cases against 182 persons. The newly elected Deputy Speaker of Kaohsiung County Council, one elected County Council member, and one elected township mayor are among those indictees. Kaohsiung prosecutors have formally filed with the courts a motion to invalidate the elections of the three elected indictees.

-- Tainan prosecutors have conducted formal investigations into 100 vote-buying complaints. The remaining 418 complaints are under informal investigation by the county police. Indictments have been made against 11 candidates and 62 campaign wardens. Six of the eleven candidates won their races. The incumbent Deputy Speaker of Tainan County Council, who won her re-election, was among the indictees. (Note: According to Deputy Prosecutor General, Jennifer Kuo, her office has stopped counting the ever-escalating figures on the vote-buying cases related to the 3-in-1 elections. The figures mentioned above were counted and released as of December 16, 2005.)

-- Penghu prosecutors conducted formal investigations into 348 vote-buying complaints, of which 20 remain under investigation and 318 were dismissed for lack of evidence. Indictments have been brought in 10 cases against 106 persons. One indictment was made against a total of 61 persons including one elected county council member, one township mayor, and 59 campaign wardens. This case has set a record in Penghu's history for the largest number of people ever indicted after a single election. One incumbent county council member, who fled to China to avoid prosecutorial investigation on vote-buying allegations, returned to Penghu after winning his reelection bid. At the time, his return was associated with a Council Speaker election, in which interested candidates reportedly were offering NT\$7 million for each vote.

-- Taitung prosecutors have conducted formal investigations

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into 72 vote-buying complaints. Indictments have been brought in 34 cases against 108 persons, including one newly elected township mayor and two elected county council members. (Note: AIT/K has failed to reach the responsible prosecutor in its effort to update these figures. The abovementioned figures were counted and released as of December 16, 2005). The China Times December 23rd edition reported the formal indictment brought on December 22, by Taitung prosecutors against newly elected (and immediately removed from office - reftel D) Magistrate Wu Chun-li for vote-buying during the campaign by direct cash payment through neighborhood chiefs and others. Another seventy-two campaign wardens and voters were also indicted in cases related to the magisterial election.

-- Chiayi prosecutors conducted formal investigations into more than 100 vote-buying complaints. Informal investigations were made into 233 cases by the county police. Indictments have been brought in 84 cases against 86 persons. Among those indictees, one was elected as a county council member and one as a township mayor.

Comment: Fading Practice, but did it work?

¶12. (SBU) Academics, politicians and political observers in southern Taiwan regularly excuse vote-buying activity as part of this active "developmental democracy," claiming that such activity certainly will disappear in time as voters become better educated and more accustomed to the process of

voting and its ensuing responsibilities. However, that argument likely will hold very little weight if recently elected officials and others indicted for vote buying try to "tell it to the judge."

¶13. (SBU) While most political observers questioned the effectiveness of most of the vote-buying measures, given the enormously high price related to either successfully or unsuccessfully purchasing votes, DPP politicians contend that vote-buying techniques employed by KMT candidates in the 3-in-1 election was the major factor leading to DPP defeat. They contend that the 3-in-1 election offered the KMT an opportunity to design a vote-buying package to cover all KMT candidates in the same constituency and hence boost the chances of winning for KMT magisterial and mayoral candidates.

¶14. (SBU) While it is hard to prove or disprove the DPP argument, it must be noted that two other arguments appear more persuasive. First, the 3-in-1 election clearly helped the KMT, simply because their well-entrenched local organizations were better able to organize, whether or not they engaged in vote buying. Second, the series of visible DPP corruption cases, particularly the fallout from the Thai labor disturbances in Kaohsiung, enabled the KMT to argue credibly that the DPP had been corrupted by President Chen's tenure in office.

End Comment.

THIELE

KEEGAN